

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
BRIAN S. MILLER, JUDGE

DIVISION II

CA06-309

April 4, 2007

DELORES HALES
BRAD HUGHES
APPELLANTS

v.

ARKANSAS DEPARTMENT OF
HEALTH AND HUMAN SERVICES
APPELLEE

AN APPEAL FROM THE LITTLE
RIVER COUNTY CIRCUIT COURT
[JV-2004-41, JV-2005-15-1]

HONORABLE TED CAPEHART,
JUDGE

DISMISSED IN PART; AFFIRMED IN
PART; COUNSEL'S MOTION GRANTED

Appellant Delores Hales is the mother of S.N. (DOB 2/08/02) and C.H. (DOB 2/02/04). Appellant Brad Hughes is C.H.'s legal father. In a July 11, 2005, order, the Little River County Circuit Court granted appellee Arkansas Department of Health and Human Services' petition to terminate Hales's and Hughes's parental rights. Pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004) (*Linker-Flores I*) and Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, Hales and Hughes's counsel, after a conscientious review of the record, has tendered a motion to withdraw on the ground that this appeal is wholly without merit. The motion was accompanied by a brief purportedly presenting a thorough and professional

evaluation of the record and discussing all matters in the record that might arguably support an appeal, including the adverse rulings, and a statement as to why counsel considers each point raised as incapable of supporting a meritorious appeal. The clerk of this court sent a certified copy of counsel's brief and motion to Hales and Hughes and notified them of their right to file pro se points for reversal. Hales has elected to file pro se points. We dismiss in part, affirm in part, and grant counsel's motion to be relieved.

Because Hughes has failed to file a notice of appeal, we are without jurisdiction to hear his portion of the appeal. Rule 3(b) of the Arkansas Rules of Appellate Procedure – Civil provides that “[a]n appeal shall be taken by filing a notice of appeal with the clerk of the circuit court that entered the judgment, decree, or order from which the appeal is taken.” The failure to file a notice of appeal deprives the appellate court of jurisdiction. *See Bilyeu v. State*, 342 Ark. 271, 27 S.W.3d 400 (2000); *Rossi v. Rossi*, 319 Ark. 373, 892 S.W.2d 246 (1995). Accordingly, we dismiss that portion of the appeal as it relates to Hughes.

In her pro se points for reversal, Hales asks that we return her children to her care. She fails to raise any argument that would support reversing the trial court's decision to terminate her parental rights. Therefore, we hold that Hales's pro se points lack merit.

After careful review of the record in accordance with Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, we hold that an appeal of the termination of Hales's parental rights lacks merit and that the termination of her parental rights should be affirmed. We, therefore, grant counsel's motion to be relieved.

Dismissed in part; affirmed in part; counsel's motion granted.

PITTMAN C.J., and MARSHALL, J., agree.